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Our ref: KON-1821

Client's ref: P6215-001-0000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: H. KASHIWAGI et al: Art Unit: 1752

Appln. No. :	10/657,661	:	Examiner: T.
Filed :	September 9, 2003	:	Chea
Title :	SILVER SALT PHOTOTHERMOGRAPHIC DRY IMAGING MATERIAL	:	Dated: June 20, 2006

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CERTIFICATE OF FACSIMILE TRANSMISSION  
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June 20, 2006  
LUCAS & MERCANTI, LLP

BY:   
Donald C. Lucas, Reg. #31,275

REQUEST WITHDRAWAL OF FINALITY OF OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S i r:

This paper is being filed to request withdrawal of the finality of the outstanding Office Action on the basis that the issuance of a Final Office Action at this stage is premature. A detailed explanation as to why the Office Action is premature is detailed below.

Applicants filed a Request for Continued Examination with a Submission on April 10, 2006. The Submission included a Declaration with test data. It appears that this Submission overcame the previous rejection because, in the instant Office Action, Office Action dated May 31, 2006, the Examiner put forward new grounds for rejection which were based on newly cited prior art.

In accordance with MPEP 706.07(a), a second or subsequent Action on the merits, in any application, should not be made final if it includes a rejection on prior art not of record. As noted above, the current rejections made in the Office Action dated May 31, 2006, was not previously of record in that it was first put forward by the Examiner in the May 31, 2006 Office Action. Thus, in accordance with MPEP 706.07(a), it is believed that the finality of the May 31, 2006 Office Action is premature.

In accordance with MPEP 706.07(c), Applicants have requested withdrawal of the finality of the Office Action on the basis that it is premature. Applicants' request for withdrawal of the finality obviously does not include a full Response to

the outstanding Office Action. A full Response to the merits of the rejection contained in the May 31, 2006 Office Action will be filed at a later date.

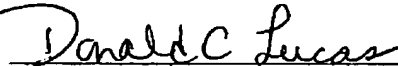
In view of the foregoing, it is respectfully requested that the finality of the May 31, 2006 Office Action be withdrawn as being premature.

Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By:



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